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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/912,873

07/25/2001

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EXAMINER

SELLERS, DANIEL R

ART UNIT

PAPER NUMBER

2615

MAIL DATE

DELIVERY MODE

12/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/912,873 | KOHNO ET AL. | |
| | Examiner | Art Unit | |
| | Daniel R. Sellers | 2615 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments, see p. 7, filed 10/31/07, with respect to the 35 USC 101 rejections have been fully considered and are persuasive. The rejection of claim 13 has been withdrawn.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 8-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the VS-1680 Owner's Manual by Roland (hereinafter Roland)
5. Regarding **claim 8**, Roland teaches a recording/reproducing mixer (pp.12-13), comprising:

a plurality of input channels (p. 12, first paragraph of "Disk Recorder Section");
a channel selector that selects the input channels (pp. 14-17, teaches various input controls, p. 36, "Switching Track Conditions" and pp. 41-43, "Making Mixer Settings Automatically (EZ Routing)");
a mixing device that mixes audio signals from the selected input channels after performing processing, said processing including equalizing and volume control to the audio signals (p. 25, "Input Mixer" and p. 26, "Track Mixer");
an output device that outputs the audio signals mixed by the mixing device (p. 27, "Master Block");
a recorder/reproducer that records audio signals to a plurality of tracks, said audio signals comprising at least one of an audio signal mixed or to be mixed or audio signal bypassing said mixing device (p. 27, "Recorder Section");
a reading device that reads the audio signal from each track (p. 13, "Substantial Options", teaches a 2.5" hard drive);

a supplying device that supplies the audio signal read from each track to corresponding input channel (p. 26, "Track Mixer", teaches connections between recorder and track mixer) ;
a solo mode selector that selects a solo mode (pp. 162-163, "Listening Only to a Specific Channel (Solo/Mute)" and p. 163, "About Solo Mode");
a solo channel selector that selects at least one of the plurality of input channels corresponding to at least one track for the solo mode (p. 14, units 4 and 12 and p. 162, "Listening Only to a Specific Channel (Solo/Mute)");
a listening mode selector that selects a listening mode (p. 76 "SW (Equalizer Switch)" teaches bypassing the EQ and p. 16, units 11 and 13 are used to make this selection);
a track selector that selects said at least one track for the listening mode (p. 14, unit 4); and
an output controller that controls, for the solo mode, the channel selector to select the input channel selected by the solo channel selector instead of the input channel originally selected by the channel selector so as listen to said at least one track processed by said processing, and controls, for the listening mode, the output device to output the audio signal directly from the track selected by the track selector without said processing. (pp. 75-77, "Adjusting the Tone", teaches an EQ for each channel, p. 76 "SW (Equalizer Switch)" teaches bypassing the EQ, and pp. 103-105, teaches external effects (EFX1) can be turned on, in various configurations, and off).

Roland teaches a recording/reproducing mixer with these features.

6. Regarding **claim 9**, the further limitation of claim 8, see the preceding argument with respect to claim 8. Roland teaches the features of claim 8 and the feature, wherein a starting position designating device that designates a starting position of reading out the audio signals, and wherein the reading device starts to read the audio signals from the designated starting position (p. 63, "Recording Over a Portion of a Performance (Punch-In/Punch-Out)").

7. Regarding **claim 10**, the further limitation of claim 8, see the preceding argument with respect to claim 8. Roland teaches the features of claim 8 and the feature, wherein a position storing device that stores a reading position when the listening mode is selected, and wherein the reading device starts to read the audio signals from the stored reading position (p. 62, steps 8-11).

8. Regarding **claim 11**, the further limitation of claim 8, see the preceding argument with respect to claim 8. Roland teaches the features of claim 8 and the feature, wherein

a solo mode can be selected when the listening mode is not selected (p. 163, teaches that the effects are active on each channel in this mode).

9. Regarding **claim 12**, see the preceding argument with respect to claim 8.

Roland teaches these features.

10. Regarding **claim 13**, see the preceding argument with respect to claim 8.

Roland teaches these features.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Yamamoto et al. (USPN 5,602,358) - teaches bypassing tone color effect-imparting block with gain control (abstract and column 10, lines 9-19);

Modeste et al. (USPN 5,852,800) - teaches a typical mixing console with solo controls (figure 6); and

Wiser et al. (USPN 6,959,220) - teaches bypassing audio signal processor (120) (column 18, line 56 - column 19, line 3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7564.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS



SINH TRAN
SUPERVISORY PATENT EXAMINER